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15 Attorneys for Plaintiff  
16 MEMC Electronic Materials, Inc.  
17

18 IN THE UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 OAKLAND DIVISION

21 MEMC ELECTRIC MATERIALS, INC., a  
22 Delaware corporation,

23 Plaintiff,

24 v.

25 MITSUBISHI MATERIALS SILICON  
26 CORPORATION, a corporation of Japan;  
27 MITSUBISHI SILICON AMERICA  
28 CORPORATION, a California corporation;  
29 SUMITOMO MITSUBISHI SILICON  
30 CORPORATION, aka SUMCO, a corporation of  
31 Japan; SUMCO USA CORPORATION, aka  
32 SUMCO USA, a Delaware corporation, and  
33 SUMCO USA SALES CORPORATION, aka  
34 SUMCO USA SALES, a Delaware corporation,

35 Defendants.

36 Case No. C 01-4925 SBA (JCS),

37 **MISCELLANEOUS  
38 ADMINISTRATIVE REQUEST TO  
39 FILE DOCUMENTS UNDER SEAL  
40 PURSUANT TO LOCAL RULE 79-  
41 5 AND 7-10(b)**

1 Plaintiff MEMC Electronic Materials, Inc.'s, through its counsel, hereby requests the Court to  
2 file under seal the following documents:

3 1. Exhibits 33-36 and 39 to the Declaration Of Duane H. Mathiowetz In Support Of  
4 Plaintiff MEMC Electronic Materials, Inc.'s Motion For Summary Judgment Against  
5 Defendants' Invalidity Affirmative Defense.

6 It is necessary and appropriate to file these documents under seal in that reference is made  
7 throughout the motion to information and documents designated by Defendants as "Confidential –  
8 Attorneys' Eyes Only." The exhibits attached to the these declarations are also "Confidential –  
9 Attorneys' Eyes Only" documents. It is not practical to remove the confidential information or  
10 exhibits from the motion or declarations and make it meaningful.

11 Pursuant to Local Rule 79-5(d), within five (5) days after the filing of this document,  
12 Defendants must file with the Court and serve a declaration establishing that the designated  
13 information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must  
14 withdraw the designation of confidentiality. If Defendants do not file a responsive declaration as  
15 required by this rule, the proposed filing will be made part of the public record.

16 DATED: December 23, 2005

HOWREY LLP

18 By: /s/ Duane H. Mathiowetz  
19 Duane H. Mathiowetz

20 SENNIGER POWERS

21 Robert M. Evans, Jr.  
22 David W. Harlan  
22 Marc W. Vander Tuig

23 Attorneys for Plaintiff  
24 MEMC ELECTRONIC MATERIALS, INC.

1  
2 IT IS SO ORDERED.  
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4 Dated:6-20-06

*Saundra B. Armstrong*  
5 SAUNDRA B. ARMSTRONG  
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UNITED STATES DISTRICT JUDGE